

BAKER BOTTS LLP

Fax receipt will not be confirmed by phone unless requested.

RECEIVED
CENTRAL FAX CENTER

OCT 21 2004

30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK
10112-4498
212.408.2500
FAX 212.408.2501
www.bakerbotts.comAUSTIN
BAKU
DALLAS
HOUSTON
LONDON
MOSCOW
NEW YORK
RIYADH
WASHINGTONFROM David Loretto
DATE October 21, 2004
PAGES 20 (including cover)VOICE NO. 212-408-2584
FAX NO. 212-259-2584
RETURN TO Teresa Melody

TO Office of Petitions, USPTO

FAX NO. 703 872 9306
VOICE NO.

MESSAGE

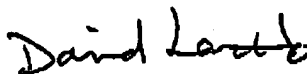
Re: U.S. Patent Application Serial No. 09/975,114
For "ELECTRICAL CONNECTOR"
Our File No.: A34642 - 070793.0139

Dear Sir:

Further to a telephone conversation earlier today with an attorney from your office, please find attached a copy of the Request for Reconsideration on Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action that we originally mailed to the Office of Petitions on January 28, 2004, and a copy of a receipt postcard bearing the PTO date stamp "Feb. 2, 2004."

We look forward to receiving your decision on the attached matter.

Very truly yours,



David Loretto

NY02:502000.1 Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP by telephone at 212.408-2500 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

If you do not receive all pages, please call: 212.408-2500 for assistance.

BILLING NO. 070793.0138

ATTORNEY/EMPLOYEE NO. 04349

CRITICAL DEADLINE, SEND BY

PAGE 1/20 * RCVD AT 10/21/2004 3:10:01 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/0 * DNIS:8729306 * CSID:212 408 2501 * DURATION (mm-ss):10-34

In Re: Tomonari Ohtsuki
(Applicant)
In Re: Petition*
1/28/2004
09/975,114
(Serial No.)
A34699
070793.0139
(File No.)
(Title of Paper)
(Date)
The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

*Encls. Transmittal Form;
Fee Transmittal;
Copy of Office Action dated January 28, 2004;
Return Postcard.



Attorney Docket No. A34699 070793.0139
Serial No. 09/975,114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari
Serial No. : 09/975,114 Examiner : Nguyen, Khiem M.
Filed : October 11, 2001 Group Art Unit: 2839
For : ELECTRICAL CONNECTOR

RECEIVED
CENTRAL FAX CENTER
OCT 21 2004

**REQUEST FOR RECONSIDERATION ON PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

I hereby certify that this paper is being deposited with the United States
Postal Service as first class mail in an envelope addressed to Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

January 28, 2004

Date of Deposit

Eric J. Faragi

Agent Name

Eric J. Faragi
Signature

51,259

PTO Reg. No.

January 28, 2004

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

Attorney Locket No. A34699 070793.0139
Serial No. 09/975,114

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.


Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

A copy of the docket record for Paul Ragusa, the attorney of record in the instant application, for March 18, 2003 and June 18, 2003, the three and six month dates from the Office Action mailing date is enclosed herewith. The docket record shows no entry for the above-referenced application.

Applicant's attorney filed a petition to withdraw the holding of abandonment based on the aforementioned facts. The Patent Office dismissed the petition on January 7, 2004 because the docket record needed further explanation. Applicant now offers further explanation and respectfully requests reconsideration of the petition.

The docket record enclosed (previously and herewith), shows the files with actions due on March 18, 2003 and June 18, 2003 for Paul Ragusa, the attorney of record in the instant application. Thus, if the Office Action were received and docketed by Baker Botts LLP, the docket records for March 18, 2003 and June 18, 2003 are where the non-received Office Action would have been entered.


Applicant requests the holding of Abandonment of the application be withdrawn and a copy of the Office Action, redated to the mailing date of the Patent Office's response to this communication, to be resent.

Attorney cket No. A34699 070793.0139
Serial No. 09/975,114

Applicant does not believe that any fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,
BAKER BOTTS L.L.P.

By:


Paul A. Ragusa
Patent Office Reg. No. 38,587
Attorneys for Applicants


Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants

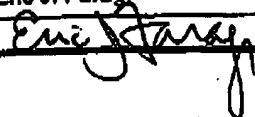
30 Rockefeller Plaza
New York, NY 10012-4498
212-408-2500

BAKER BOTTS LLPPlease type a plus sign (+) inside this box → **+**

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/975,114
	Filing Date	October 11, 2001
	First Named Inventor	Tomonari Ohtsuki
	Group Art Unit	2839
	Examiner Name	Nguyen, Khlem M.
Total Number of Pages in This Submission	Attorney Docket Number	A34699 070793.0139

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See below
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks <input checked="" type="checkbox"/>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	1. Copy of Office Action dated January 28, 2004; 2. Transmittal Form; 3. Fee Transmittal Form; 4. Return receipt postcard.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112	
Signature		Att Name: Eric J. Faragi PTO Reg: 51,259
Date	January 28, 2004	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>January 28, 2004</u>		
Typed or printed name	Eric J. Faragi	
Signature		Date: January 28, 2004

BAKER BOTTS LLP**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 0)

Complete if Known

Application Number	09/975,114
Filing Date	October 11, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	Nguyen, Khiem M.
Group Art Unit	2839
Attorney Docket No.	A34899 070793.0139

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number
02-4377

Deposit
Account
Name
Baker Botts LLP

☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)**2. EXTRA CLAIM FEES**

Total Claims Independent Claims Multiple Dependent

Extra Claims: 20 -- = 0 x Fee from below = 0

Extra Claims: 3 -- = 0 x Fee from below = 0

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
16	8	Claims in excess of 20
84	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
84	42	** Reissue independent claims over original patent
16	8	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
480	240	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Sheet	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.128(a))	
740	370	For each additional invention to be examined (37 CFR § 1.128(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)**SUBMITTED BY**Name (Print/Type) **Eric J. Faragi**

Registration No. (Attorney/Agent)

51,259**Complete if applicable**Telephone **212.408.2591**

Signature

*Eric J. Faragi*Date **January 28, 2004**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

BAKER BOTTS LLP

Attorney Docket Number: A34899 070793.0139

Title: ELECTRICAL CONNECTOR

Use Space Below for Additional Information:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
P.O. Box 1418
Alexandria, Virginia 22313-1418
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,114	10/11/2001	Tomonari Ohtsuki	A34699	8767

21003 7590 08/27/2003

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN, KHIEM M

ART UNIT

PAPER NUMBER

2839

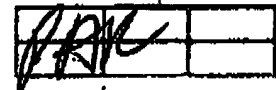
DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

BAKER BOTTS L.L.P.

03 ~~AM~~ AM 9: 50

TO



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/995114	10/11/01	CHTSUKI	

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

5

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12/18/02.
- ☐ A reply (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.)
- ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
- ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
- ☐ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

KHIEM NGUYEN
PRIMARY EXAMINER

U.S. GPO: 2000-472-000/43202

Monday, September 08, 2003

Call Up Report

Page: 1

From: 18-Mar-2003 To: 19-Mar-2003

CALLUPS FOR RAGUSA, P.A.

EXTENSION 2588

Case Number	Att'y(s) Inventor(s)	Action Due	Date Due	IRM Code	Type
35388	US	IDS, IF ANY, DUE IDS, IF ANY, DUE Due Date	19-Mar-2003	BARKER, BREITTELL	PAT
35388	US	Information Disclosure Stmt Information Disclosure Stmt Due Date	19-Mar-2003	BARKER, BREITTELL	PAT

Monday, September 08, 2003

Call Up Report

Page: 1

From: 18-Jun-2003 To: 19-Jun-2003

CALLUPS FOR RAGUSA, P.A.
EXTENSION 2588

Case Number	Att'y(s) Inventor(s)	Action Due	Date Due	Bill Code	Type
31816-I	US HYT LURY ET AL.	Foreign Filing Foreign Filing 6 mon reminder Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT
31816-II	US HYT LURY ET AL.	Foreign Filing Foreign Filing 6 mon reminder Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT
31816-III	US HYT LURY ET AL.	Foreign Filing Foreign Filing 6 mon reminder Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT
31816-IV	US HYT LURY ET AL.	Foreign Filing Foreign Filing 6 mon reminder Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT

Monday, September 08, 2003

Call Up Report

Page: 2

From: 18-Jun-2003 To: 19-Jun-2003

CALLUPS FOR RAGUSA, P.A.
EXTENSION 2588

Cass Number	Atty(s) Inventor(s)	Action Due	Date Due	BM Code	Type
31816-V	US HYT LURVIEL AL	Foreign Filing Foreign Filing 6 mon reminder Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT
31470-PCT-USA	US HYT KAO ET AL	US-3 MONTH OA 3 MON DUE DATE Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT
35532-A	US AROUSSEI ET AL	US-1855 PRT - 2 FINAL DEADLINE Final	18-Jun-2003	BARKER, BREITBEL	PAT

RESPONSE MAILED 3/17/03 C.M.